

REMARKS/ARGUMENTS

The Official Action dated 02 June 2006 has been carefully considered, along with cited references, applicable sections of the Patent Act, Patent Rules.

Claims 1-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimizu (US 6,213,962).

In light of the comments presented herein, Applicant has cancelled claims 2-6, and has amended claim 1 to introduce the subject matters as claimed in the originally filed claims 2-6 in order to overcome the rejection under 35 U.S.C. § 113(a). Accordingly, claim 1 remains pending.

In the Official Action, the Examiner has rejected claims 1-6 under 35 U.S.C. § 103(a) as being unpatentable over Shimizu (US 6,213,962).

Among other features also found in claims 1-6, the Examiner contends that *Shimizu* discloses a base 7, a shaft 10R, one actuating pin 25, first actuating device 15, 13, second actuating device 15, 21 rotatably attached onto the shaft 10R. The actuating device includes first 24a and second 25b seats for selectively engaging with the actuator pin 25. First 16R and second 16L massage member attached to the first and second actuating devices. Each of the first and second actuating devices include at least one inclined surface shown in figure 4. It is not clear if Shimizu teaches an embodiment that includes a second set of massaging members within the device however, there appears to be no unobviousness to provide a second set of massaging members so as to massage a larger area of the body.

Notwithstanding the Examiner's position, it does not appear that *Shimizu* fully discloses each of the elements of the amended claim 1. For example, the amended claim 1 states:

... two actuating pins attached onto said shaft, ... two first actuating devices secured on said shaft, ... two second actuating devices rotatably attached onto said shaft and each including a hub provided thereon ... to rotatably support said shaft and each including a first and a second seats ... for selectively engaging with said actuator pins of said shaft, ... two first and two second mass members attached to said first and said second actuating devices and each including an opening formed therein, ...and simultaneously a first and a second sandwich plates secured to said first and said second mass members and each including a bulge engaged through said opening of said first and said second mass members respectively to stably retain said first and said second mass members between said first and said second sandwich plates of said first and said second actuating devices respectively, ...

Thus, it is clearly a feature of the amended claim 1 that the two second actuating devices (31) each include a hub (37) to rotatably support the shaft (22) and a first and a second seats (38) for engaging with the actuator pins (27) of the shaft (22), and

simultaneously the first and the second sandwich plates (32, 33) each include a bulge (36) engaged through the opening (41) of the massage members (40) to stably retain the first and the second massage members (40) between the sandwich plates (32, 33) of the actuating devices (30, 31) respectively.

Shimizu failed to disclose that two second actuating devices each having a hub and a first and a second seats for engaging with the two actuator pins of the shaft and for allowing the actuating devices to be effectively actuated by the two actuator pins of the shaft. Simultaneously, the first and the second sandwich plates each include a bulge engaged through the opening of the massage members to stably retain the first and the second massage members between the sandwich plates of the actuating devices respectively. Without the provision of the two actuator pins of the shaft, *Shimizu* includes a single actuator pin (25) that may not effectively drive or actuate the two massage members (16R, 16L).

By contrast, in Applicant's invention, as amended in the amended claim 1 two second actuating devices (31) are provided and each include a hub (37) to rotatably support the shaft (22) and a first and a second seats (38) for engaging with the two actuator pins (27) of the shaft (22) respectively, and simultaneously the first and the second sandwich plates (32, 33) each include a bulge (36) engaged through the opening (41) of the massage members (40) to stably retain the first and the second massage members (40) between the sandwich plates (32, 33) of the actuating devices (30, 31) respectively.

The cited arts fail to teach a massage device including two

second actuating devices (31) each having a hub (37) to rotatably support the shaft (22) and two seats (38) for engaging with the two actuator pins (27) of the shaft (22), and simultaneously the sandwich plates (32, 33) each include a bulge (36) engaged through the opening (41) of the massage members (40) to stably retain the first and the second massage members (40) between the sandwich plates (32, 33) of the actuating devices (30, 31) respectively. The applicant's invention is different from that of the cited arts and has improved over the cited arts.

In view of the foregoing amendments and remarks, applicant respectfully submits that the present invention is patentably distinguishable over the cited arts and that the application is now in condition for allowance, and such action is earnestly solicited.

Courtesy and cooperation of Examiner DEMILLE are appreciated.

respectfully submitted,

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